United Nations S/AC.49/2018/3

Security Council

Distr.: General
10 January 2018

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 3 January 2018 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Lithuania to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the report of Lithuania on the implementation of resolutions 2371 (2017) and 2375 (2017) (see annex).

18-00535 (E) 220218

Please recycle

Annex to the note verbale dated 3 January 2018 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

Report of Lithuania on the implementation of Security Council resolutions 2371 (2017) and 2375 (2017)

Implementation of Security Council resolution 2371 (2017)

Lithuania and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2371 (2017) by taking the following common measures:[1]

(a) Council Implementing Decision (CFSP) 2017/1459 of 10 August 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea,[2] which implements the designation of additional persons and entities (travel ban and asset freeze);

(b) Commission Implementing Regulation (EU) 2017/1457 of 10 August 2017 amending Council Regulation (EC) No. 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea,[3] which gives effect to Council Implementing Decision (CFSP) 2017/1459;

(c) Council Decision (CFSP) 2017/1562 of 14 September 2017, amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea,[4] which sets out the commitment of the European Union to the implementation of the measures contained in Security Council resolution 2371 (2017):

(i) Prohibition on entering Member States' ports for vessels designated by the Security Council Committee established pursuant to resolution 1718 (2006), pursuant to paragraph 6 of resolution 2371 (2017) unless entry is required because of emergency or in case the vessel returns to its port of origination. The Committee can grant an exemption under certain conditions;

(ii) Clarification that the prohibition to own, lease or operate any vessel flagged by the Democratic People's Republic of Korea also includes the chartering of Democratic People's Republic of Korea-flagged vessels;

(iii) Prohibition from procuring coal, iron and iron ore from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 8 of resolution 2371 (2017) are met;

(iv) Prohibition from procuring seafood from the Democratic People's Republic of Korea;

(v) Prohibition from procuring lead and lead ore from the Democratic People's Republic of Korea;

(vi) Prohibition on exceeding, on any date after 5 August 2017, the total number of work authorizations for nationals of the Democratic People's

[1] All common measures are published in the *Official Journal of the European Union*.

[2] *Official Journal of the European Union*, L 208, 11 August 2017, p. 38.

[3] Ibid., p. 33. This Commission Implementing Regulation is no longer in force as it has been integrated into Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007 (*Official Journal of the European Union*, L 224, 31 August 2017, p. 1).

[4] *Official Journal of the European Union*, L 237, 15 September 2017, p. 86.

Republic of Korea provided in Member States' jurisdictions and valid on 5 August 2017. The Committee can grant an exemption on a case-by-case basis under certain conditions;

(vii) Prohibition on opening new joint ventures or expanding existing joint ventures. The Committee can grant exemptions on a case-by-case basis;

(viii) Clarification that the prohibition on the transfer of funds to or from the Democratic People's Republic of Korea also applies to the clearing of funds;

(ix) Clarification that companies performing financial services commensurate with those provided by banks are considered financial institutions;

(x) Obligation to seize and dispose of items the export of which is prohibited by resolution 2371 (2017);

(d) Council Regulation (EU) 2017/1548 of 14 September 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea,[5] which gives effect to the measures provided by Council Decision (CFSP) 2017/1562.

The above-mentioned Council regulations are binding in their entirety and directly applicable in all member States of the European Union. Council Regulation (EU) 2017/1509[6] requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Lithuania are set out in the following legislation:

(a) Law on the Approval and Entry into Force of the Criminal Code (No. VIII-1968, 26 September 2000, as amended);

(b) Law on the Approval, Entry into Force and Implementation of the Code of Administrative Offences (No. XII-1869, 25 June 2015, as amended).

Lithuania has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel[7] to third countries and an authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision (CFSP) 2016/849,[8] provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services:

(a) Law concerning Control of Import, Transit and Export of Strategic Goods and Technologies (No. I-1022, July 1995, as amended);

(b) Government resolution No. 932 of 22 July 2004 on the Approval of Licensing Rules for Export, Import, Transit and Mediation of Strategic Goods and the Rules of Implementation for the Control of Strategic Goods (as amended).

Lithuania has the following national legislation prohibiting the sale, supply, transfer or export of arms and related materiel[9] to the Democratic People's Republic

[5] Ibid., p. 39.

[6] Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007, *Official Journal of the European Union*, L 224, 31 August 2017, p. 1.

[7] This legislation applies to all goods included in the Common Military List of the European Union, *Official Journal of the European Union*, C 129, 21 April 2015, p. 1.

[8] Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP, *Official Journal of the European Union*, L 141, 28 May 2016, p. 79.

[9] This legislation applies to all goods included in the Common Military List of the European Union, *Official Journal of the European Union*, C 129, 21 April 2015, p. 1.

of Korea and the provision of brokering services and other services related to military activities:

- Government Resolution No. 237 of 1 March 2005 on the Approval of the List of the States to which the Export or Transit of the Goods Listed in the Common Military List Is Prohibited and for which Brokering in Negotiations and Transactions in the Goods Listed in the Common Military List Is Prohibited (as amended).

As regards restrictions on admission (visa ban), Lithuania implements these in accordance with Council Decision (CFSP) 2016/849, Council Implementing Decision (CFSP) 2017/1459 and Regulation (EC) No 539/2001, which provide the basis for refusal of admission and denial of requests for a visa. The national entry-ban list is updated on a regular basis.

Implementation of Security Council resolution 2375 (2017)

Lithuania and the other member States of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by Security Council resolution 2375 (2017) by taking the following common measures:[10]

Common measures

(a) Council Implementing Decision (CFSP) 2017/1573 of 15 September 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea,[11] which implements the designation of additional persons and entities (travel ban and asset freeze);

(b) Council Implementing Regulation (EU) 2017/1568 of 15 September 2017 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea,[12] which gives effect to Council Implementing Decision 2017/1573;

(c) Council Decision (CFSP) 2017/1838 of 10 October 2017 amending Decision (CFSP) 2016/848 concerning restrictive measure against the Democratic People's Republic of Korea,[13] which sets out the commitment of the European Union to implementation of the measures contained in Security Council resolution 2375 (2017):

(i) Trade ban on weapons of mass destruction-related dual-use items adopted by the Security Council Committee established pursuant to resolution 1718 (2006), pursuant to paragraph 4 of Security Council resolution 2375 (2017);

(ii) Trade ban on conventional arms-related items adopted by the Committee pursuant to paragraph 5 of Security Council resolution 2375 (2017);

(iii) Prohibition on entering Member States' ports for vessels designated by the Committee pursuant to paragraph 6 of Security Council resolution 2375 (2017);

(iv) Obligation on member States that are flag States and who do not consent to inspection of a vessel on the high seas to direct the vessel to proceed to an appropriate and convenient port for the required inspection;

[10] All common measures are published in the *Official Journal of the European Union*.
[11] *Official Journal of the European Union*, L 238, 16 September 2017, p. 51.
[12] Ibid., p. 10.
[13] *Official Journal of the European Union*, L 261, 11 October 2017, p. 17.

(v) De-registration of vessels designated by the Committee pursuant to paragraph 8 of Security Council resolution 2375 (2017);

(vi) Obligation on member States to submit a report to the Committee when a flag State does not cooperate with inspections;

(vii) Prohibition on facilitating or engaging in ship-to-ship transfers to or from flagged vessels of the Democratic People's Republic of Korea of any goods or items that are being supplied, sold or transferred to or from that country;

(viii) Prohibition on exporting condensates and natural gas liquids to the Democratic People's Republic of Korea;

(ix) Prohibition on exporting refined petroleum products to the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 14 of Security Council resolution 2375 (2017) are met;

(x) Prohibition on exporting an amount of crude oil that is in excess of the amount that the member State exported in the period of 12 months prior to 11 September 2017. The Committee can grant an exemption on a case-by-case basis under certain conditions;

(xi) Prohibition on importing textiles from the Democratic People's Republic of Korea. The prohibition does not apply if the conditions mentioned in paragraph 16 of Security Council resolution 2375 (2017) are met. The Committee can grant an exemption on a case-by-case basis;

(xii) Prohibition on providing work authorizations for nationals of the Democratic People's Republic of Korea in the jurisdiction of member States in connection with admission to their territories. The Committee can grant an exemption on a case-by-case basis under certain conditions;

(xiii) Prohibition on opening, maintaining and operating joint ventures unless approved by the Committee on a case-by-case basis and obligation to close existing joint ventures;

(xiv) Obligation to seize and dispose of items the export of which is prohibited by Security Council resolution 2375 (2017);

(d) Council Regulation (EU) 2017/1836 of 10 October 2017 amending Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea,[14] which gives effect to the measures provided by Council Decision (CFSP) 2017/1838.

The above-mentioned Council regulations are binding in their entirety and directly applicable in all member States of the European Union. Council Regulation (EU) 2017/1509[15] requires member States to determine the penalties applicable to infringements of their provisions. The penalties determined by Lithuania are set out in the following legislation:

(a) Law on the Approval and Entry into Force of the Criminal Code (No. VIII-1968, 26 September 2000, as amended);

(b) Law on the Approval, Entry into Force and Implementation of the Code of Administrative Offences (No. XII-1869, 25 June 2015, as amended).

[14] Ibid., p. 1.

[15] Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007, *Official Journal of the European Union*, L 224, 31 August 2017, p. 1.

Lithuania has the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel[16] to third countries and an authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision (CFSP) 2016/849[17] provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services:

(a) Law concerning Control of Import, Transit and Export of Strategic Goods and technologies (No. I-1022, July 1995, as amended);

(b) Government Resolution No. 932 of 22 July 2004 on the Approval of Licensing Rules for Export, Import, Transit and Mediation of Strategic Goods and the Rules of Implementation for the Control of Strategic Goods (as amended).

Lithuania has the following national legislation prohibiting the sale, supply, transfer or export of arms and related materiel[18] to the Democratic People's Republic of Korea and the provision of brokering services and other services related to military activities:

- Government Resolution No. 237 of 1 March 2005 on the Approval of the List of the States to which the Export or Transit of the Goods Listed in the Common Military List Is Prohibited and for which Brokering in Negotiations and Transactions in the Goods Listed in the Common Military List Is Prohibited (as amended).

As regards restrictions on admission (visa ban), Lithuania implements these in accordance with Council Decision 2016/849/CFSP, Council Implementing Decision (CFSP) 2017/1459 and Regulation (EC) No. 539/2001, which provide the basis for refusal of admission and denial of requests for a visa. The national entry-ban list is updated on a regular basis.

---

[16] This legislation applies to all goods included in the Common Military List of the European Union, *Official Journal of the European Union*, C 129, 21 April 2015, p. 1.

[17] Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP, *Official Journal of the European Union*, L 141, 28 May 2016, p. 79.

[18] This legislation applies to all goods included in the Common Military List of the European Union, *Official Journal of the European Union*, C 129, 21 April 2015, p. 1.